

CEIM-P (25-1a)

8 MAR 1996

MEMORANDUM FOR ALL HQUSACE ELEMENTS AND USACE COMMANDS,
ATTN: CHIEFS/DIRECTORS OF INFORMATION MANAGEMENT

SUBJECT: Renewal of IM Policy Memorandum No. 25-1-27 Purchase of Computer Software for Personally Owned Microcomputers of Army Corps of Engineers Employees

1. Reference memorandum, HQUSACE, CEIM-P, 30 Mar 95, SAB.
2. IM Policy Memo No. 25-1-27, 30 Mar 94, Purchase of Computer Software for Personally Owned Microcomputers of Army Corps of Engineers Employees is extended for a period of two (2) years (valid until 30 March 98).
3. Any update of this memorandum is dependent on reaching a state of stability in higher headquarters policies. The ongoing revision of AR 25-1, 18 Nov 88, The Army Information Resource Management Program, combined with the continuing move toward telecommuting, as well as anticipated changes in the DoD joint ethics regulations, are all anticipated to impact this policy update.
4. POC for further information is Mr. Meredith C. Walters, commercial phone (202) 761-4732.

FOR THE COMMANDER:

/s/
RONALD A. DABBIERI
Colonel, Corps of Engineers
Director of Information
Management

CEIM-P (25-1a) 30 Mar 94

MEMORANDUM FOR ALL HEADQUARTERS USACE ELEMENTS AND FIELD
OPERATING ACTIVITIES, ATTN: CHIEFS/DIRECTORS OF INFORMATION
MANAGEMENT

SUBJECT: Purchase of Computer Software for Personally Owned Microcomputers of Army Corps of Engineers Employees

IM Policy Memo

No. 25-1-27

This Policy Expires 1 Year From Date of Publication

1. The purpose of this memorandum is to state the policy on the government purchase of computer software for personally owned microcomputers of Army Corps of Engineers employees.

2. References:

a. AR 25-1, The Army Information Resources Management Program, 18 November 1988.

b. AR 380-19, Information Systems Security, 1 August 1990.

c. ER 700-1-1, USACE Supply Policies and Procedures, 15 April 1993, Change 1.

d. GAO Redbook, Principles of Federal Appropriations Law, 2nd Edition, Volume 1, July 1991.

e. Guidelines for Pilot Flexible Workplace Arrangements, by the President's Council on Management Improvement Human Resources Committee, January 1990.

3. Policy.

a. AR 25-1: AR 25-1 indicates that the Government may authorize use of Government-owned computer resources for off-site processing of Government work. This may include the use of Government-owned software. However, the regulations provide no specific authorization governing the purchase of software for off-site use by Government employees.

b. "Necessary Expense Doctrine": Appropriated funds may be used only for the purpose or purposes for which they were appropriated, 31 U.S.C. SS1301(a). However, every item of expenditure need not be specified within the appropriation act. The spending agency has reasonable discretion in determining how to carry out the objectives of the appropriation. This concept is known as the "necessary expense" doctrine. Therefore, if the Commander determines that such purchases of software are a necessary expense which further the purposes of the appropriation sought to be charged, the expenditure is proper. In other words, the expense must directly contribute to either a specific agency appropriation or an authorized agency function for which more general appropriations are available.

c. Security: Classified information will not be processed on employee-owned computers.

d. Security: The use of employee-owned computers to perform Government work must comply with all provisions of AR 380-19, including accreditation.

e. Human Resources: Alternative worksites do not change the management and leadership responsibilities of supervisors (e.g., duty hours, overtime, leave, compensatory time, etc). Also, a written supervisor-employee agreement should be made prior to the employee performing government tasks on a personally owned microcomputer. This agreement should state that any job-related work done at home, with the exception of formally executed alternate workplace agreements or formally requested and approved overtime, using the Government-furnished software is gratuitous in nature and not additionally compensable. This is to avoid violating the Antideficiency Act. The Antideficiency Act is intended to keep an agency's level of operations within the amounts Congress has appropriated for that purpose. An unrestricted ability to use "voluntary services," as proscribed by 31 U.S.C. SS1342, would permit circumvention of this objective.

f. Other Considerations:

(1) The authorization for a Government employee to install and use a Government-purchased software product on his/her personally owned equipment will be further governed by the terms of the license and contract clauses applicable to the procurement of each software product. Some software licensing and contract clauses are very limiting, and the rights applicable to each software product to be used off-site must be evaluated on a case-by-case basis. In any event, the off-site use of government-owned software must be limited to performing processing of Government work, and the authorizing activity must have all appropriate procedures and resources in place to ensure compliance with any and all license or contract clause restrictions.

(2) Security controls must be in place for remote access.

(3) Virus controls must be in place for off-site processing.

(4) Hand-receipt controls and property pass procedures must be in place for removing Government-owned software from the work-site. In accordance with ER 700-1-1, chapter 3, paragraph 3-20g, all personal property removed from Corps premises will be controlled through the use of property pass procedures.

4. Responsibilities.

a. Commanders, MSCs, LABs and FOAs will:

(1) Determine whether the acquisition requests meet the "Necessary Expense Doctrine."

(2) Ensure that control procedures (e.g., security, hand-receipt, etc.) are in place and adhered to and that the Corps retains ownership of the software.

(3) Ensure that computer software acquisition requests supporting this requirement are coordinated through the Information Management Office (IMO).

(4) Ensure that employee owned PC's nominated for work at home be fully accredited prior to

being approved for the use of Government-owned software to do Government business off the Government work-site.

b. Chiefs/Directors of Information Management will:

(1) Advise staff elements regarding implementation of this policy for computer software acquisition requests.

(2) Ensure that computer software acquisitions for personally owned microcomputers meet the specifics of this policy requirement.

FOR THE COMMANDER:

/S/
RONALD A. DABBIERI
Colonel, Corps of Engineers
Director of Information
Management